United Nations A/C.5/55/40

General Assembly

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Fifty-fifth session
Fifth Committee
Agenda item 153 (a)
Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations: financing of the United Nations peacekeeping operations

Death and disability benefits

Note by the Secretary-General

1. The information contained in the annex to the present note is submitted pursuant to General Assembly decision 54/459 B as well as the recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in its report (A/54/782).

2. In accordance with those recommendations, the present note summarizes the progress made in 2000 in processing death and disability claims under both the old (national legislation) and new (ex gratia) regimes, taking into account that the backlog of claims received before 19 May 1997 has been eliminated. The information contained in table C of the annex reflects the number of expected claims.

3. In the last quarterly report, dated 31 December 1999, 263 claims were pending. The Secretary-General, in his note dated 28 January 2000 (A/C.5/54/47), indicated that the 263 claims pending at 31 December 1999 included 19 claims from the backlog in respect of periods prior to 19 May 1997. During 2000, 145 claims were received and 318 claims were processed, with 90 claims pending at the end of the year. The 19 claims from the backlog were cleared during 2000 and are not included in the 90 claims pending at 31 December 2000. The progress made in processing claims in 2000 is illustrated in the annex by country (table A) and by peacekeeping operation (table B).

4. In its report, the Advisory Committee on Administrative and Budgetary Questions recommended that the information contained in the tables be more complete and include the dollar amounts involved. The information by country and by mission is reported without a dollar value, however. As claims are submitted in different currencies and are subject to fluctuations of the exchange rate, It is not feasible to give a dollar value for each claim. Furthermore, deductions or additions may be made to the originally claimed amount, creating a difference between the

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amount claimed and the amount paid. In the light of these factors, the Secretariat is of the opinion that the inclusion of dollar amounts for claims processed and claims available for processing would give a misleading description of the value of pending claims. Since the performance report for each peacekeeping mission already provides the expenditures for death and disability claims, that information is not reproduced in the present note.

5. A comparison of the total number of casualties reported by peacekeeping operation and the related number of claims submitted to the Secretariat is provided in table C of the annex.

Annex

Death and disability claims received from troop-contributing countries as at 31 December 2000

A. Annual report for the year 2000 by country

Country	*Claims pending as at 1 January 2000*	*Claims received in 2000*	*Claims processed in 2000*[a]	*Claims pending as at 31 December 2000*
Australia	-	1	1	-
Austria	11	19	24	6
Bangladesh	10	1	11	-
Brazil	2	-	2	-
Canada	36	-	36	-
Denmark	9	20	2	27
Fiji	-	4	3	1
Finland	-	40	38	2
France	2	19	14	7
Ghana	-	1	-	1
Ireland	-	1	1	-
Jordan	11	3	13	1
Malaysia	18	-	18	-
Morocco	82	-	82	-
Namibia	-	4	3	1
Nepal	-	2	-	2
Nigeria	-	8	-	8
Pakistan	-	1	1	-
Poland	19	-	15	4
Russian Federation	1	-	1	-
Sweden	-	17	17	-
Spain	-	-	-	-
Ukraine	3	-	3	-
United Kingdom of Great Britain and Northern Ireland	12	-	12	-
Uruguay	-	3	1	2
Zambia	47	1	20	28
Total	**263**	**145**	**318**	**90**

[a] The number of claims processed includes claims that have been approved for payment and those that have been rejected.

B. Annual report for the year 2000 by mission

Mission	*Claims pending as at 1 January 2000*	*Claims received in 2000*	*Claims processed in 2000*[a]	*Claims pending as at 31 December 2000*
MONUA	-	3	2	1
ONUMOZ	22	-	22	-
UNAMIR	7	-	2	5
UNAMSIL	-	10	1	9
UNAVEM	25	6	6	25
UNCRO	1	13	1	13
UNDOF	17	13	23	7
UNFICYP	3	5	8	-
UNIFIL	3	39	35	7
UNIKOM	2	1	2	1
UNMIH	7	-	7	-
UNOSOM	98	-	98	-
UNPREDEP	-	5	4	1
UNPROFOR	58	46	84	20
UNSMIH	8	-	8	-
UNTAC	5	-	5	-
UNTAES	7	-	7	-
UNTAET	-	4	3	1
Total	**263**	**145**	**318**	**90**

[a] The number of claims processed includes claims that have been approved for payment and those that have been rejected.

C. Total number of casualties reported and claims submitted for incidents occurring from 1 January 1995 to 31 December 2000[a]

(as at 31 December 2000)

Mission	Fatalities			Injuries and illness			Total		
	Notification of casualty received	*No. of claims received*	*No. of claims expected*[b]	*Notification of casualty received*	*No. of claims received*	*No. of claims expected*[c]	*Notification of casualty received*	*No. of claims received*	*No. of claims expected*
MINURCA	2	2	-	1	-	1	3	2	1
MINURSO	2	1	1	5	1	4	7	2	5
MONUA	9	7	2	26	1	25	35	8	27
UNAMIR	6	6	-	23	11	12	29	17	12
UNAMSIL	18	7	11	74	-	74	92	7	85
UNAVEM	26	12	14	56	9	47	82	21	61
UNCRO	16	7	9	54	28	26	70	35	35
UNDOF	3	2	1	9	5	4	12	7	5
UNFICYP	3	-	3	9	-	9	12	-	12
UNIFIL	33	17	16	292	7	285	325	24	301
UNIKOM	5	4	1	22	2	20	27	6	21
UNMEE			-				-	-	
UNMIH	5	2	3	13	1	12	18	3	15
UNMIK			-				-	-	
UNOSOM		-	-	3	-	3	3	-	3
UNPREDEP	3	3	-	13	1	12	16	4	12
UNPROFOR	64	34	30	352	102	250	416	136	280
UNSMIH		-	-	7	6	1	7	6	1
UNTAES	9	1	8	64	14	50	73	15	58
UNTAET	9	2	7	23	-	23	32	2	30
Total	**213**	**107**	**106**	**1 046**	**188**	**858**	**1 259**	**295**	**964**

[a] As the Financial Rules and Regulations of the United Nations restrict availability of obligated funds to five years, only notification of casualty received in the past five years are included.

[b] From past experience, it is possible to assume that death claims for all fatalities will be submitted.

[c] Based on past experience, permanent disability claims are received for only 20 per cent of the injuries and illnesses reported. On this basis, from the 858 notification of casualty reports received for which claims are yet to be submitted, approximately 172 final claims are expected to be received.

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Agenda item 153 (a)
Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations: financing of the United Nations peacekeeping operations

Death and disability benefits

Note by the Secretary-General

Corrigendum

Paragraph 3 *should read*

3. In the last quarterly report, dated 31 December 1999, 263 claims were pending. The Secretary-General, in his note dated 28 January 2000 (A/C.5/54/47), indicated that the 263 claims pending at 31 December 1999 included 19 claims from the backlog in respect of periods prior to 19 May 1997. During 2000, 145 claims were received and 318 claims were processed, with 90 claims pending at the end of the year. The 19 claims from the backlog were included in the 318 claims processed during 2000. The progress made in processing of claims during 2000 is illustrated in the annex by country (table A) and by peacekeeping operation (table B).

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Fifty-fifth session
Fifth Committee
Agenda items 117 and 12
Programme budget for the biennium 2000-2001

Report of the Economic and Social Council

Programme budget implications of draft resolution A/55/L.80

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

Summary

By draft resolution A/55/L.80, the General Assembly, having considered the recommendations of the Economic and Social Council contained in its resolution 2000/34 of 28 July 2000, would endorse the recommendation of the Council that Senegal should be added to the list of the least developed countries.

Should the General Assembly adopt the draft resolution, an additional appropriation in the amount of $29,600 would be required under section 1, Overall policy-making, direction and coordination, of the programme budget for the biennium 2000-2001, in accordance with General Assembly resolutions 1798 (XVII) of 11 December 1962 and 41/213 of 19 December 1986, for the travel of up to five representatives of Senegal to attend the fifty-sixth session of the General Assembly and the travel of one representative or alternate representative of Senegal to attend the special session of the General Assembly in 2001.

The requirements for 2002-2003, estimated at $27,400, for the travel of up to five representatives to attend the fifty-seventh and fifty-eighth regular sessions of the General Assembly would be included in the proposed programme budget for the biennium 2002-2003.

01-29504 (E) 200301

I. Draft resolution A/55/L.80

Statement of programme budget implications

1. By operative paragraph 1 of draft resolution A/55/L.80, the General Assembly would endorse the recommendation of the Economic and Social Council that Senegal should be added to the list of the least developed countries.

II. Activities by which the request would be implemented

2. Should the General Assembly adopt draft resolution A/C.5/L.80, under the terms of its resolutions 1798 (XVII) of 11 December 1962 and 41/213 of 19 December 1986, travel but not subsistence shall be paid by the Organization for up to five representatives of Member States that are least developed when attending a regular session of the General Assembly, and one representative or alternate representative while attending a special or emergency session of the Assembly.

III. Estimated additional requirements

3. It is estimated that, should the General Assembly adopt draft resolution A/C.5/L.80, the total requirements for the biennium 2000-2001 would amount to $29,600 for the travel of up to five representatives of Senegal to attend the fifty-sixth session of the General Assembly and the travel of one representative or alternate representative to attend the special sessions of the Assembly in 2001, namely, the special session to review the achievement of the goals of the World Summit for Children, pursuant to Assembly resolution 51/186 of 16 December 1996, the special session for an overall review and appraisal of the implementation of the Habitat Agenda, pursuant to Assembly resolution 53/180 of 15 December 1998, and the special session of the General Assembly on HIV/AIDS, pursuant to Assembly resolution 55/242 of 22 February 2001.

4. The requirements for the 2002-2003 biennium are estimated at $27,400 for travel to attend the fifty-seventh and fifty-eighth regular sessions of the General Assembly.

IV. Contingency fund

5. It will be recalled that, under the procedures established by the General Assembly in its resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the proposed programme budget. Under this procedure, if additional expenditures are proposed that exceed the resources available from the contingency fund, the activities concerned can be implemented only through redeployment of resources from low-priority areas or modification of existing activities. Otherwise, such additional activities will have to be deferred to a later biennium.

V. Action required from the General Assembly

6. Should the General Assembly adopt draft resolution A/55/L.80, an additional appropriation in the amount of $29,600 would be required under section 1, Overall policy-making, direction and coordination, of the programme budget for the biennium 2000-2001 as a charge against the contingency fund. In accordance with General Assembly resolutions 1798 (XVII) of 11 December 1962 and 41/213 of 19 December 1986, travel would be provided for up to five representatives of Senegal to attend the fifty-sixth session of the General Assembly, and the travel of one representative or alternate representative of Senegal would also be provided to attend the special session of the General Assembly in 2001.

7. The requirements for 2002-2003, estimated at $27,400, for the travel of up to five representatives to attend the fifty-seventh and fifty-eighth sessions of the General Assembly should be included in the Secretary-General's proposed programme budget for the biennium 2002-2003.

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Fifth Committee

Exchange of letters between the Chairman of the Fifth Committee and the Under-Secretary-General for Legal Affairs, the Legal Counsel

Note by the Secretary-General

The Secretary-General has the honour to transmit to the Fifth Committee the letter dated 2 April 2001 from the Chairman of the Fifth Committee to the Under-Secretary-General for Legal Affairs, the Legal Council (see annex I) and the letter dated 4 April 2001 from the Under-Secretary-General to the Chairman, which was sent in reply (see annex II).

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Annex I

Letter dated 2 April 2001 from the Chairman of the Fifth Committee to the Under-Secretary-General for Legal Affairs, the Legal Counsel

During the formal meeting of the Fifth Committee held on 26 March 2001, Member States decided to seek a legal opinion as to whether the expression "taking note of" a report may be taken to mean that the General Assembly has agreed to the content of that report.

I would appreciate it if the legal opinion requested could be provided to the Committee by 4 April, in the afternoon, when this matter will be considered again.

(*Signed*) Gert **Rosenthal**
Ambassador
Chairman, Fifth Committee

Annex II

Letter dated 4 April 2001 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, to the Chairman of the Fifth Committee

I have the honour to refer to your letter of 2 April 2001 requesting by 4 April 2001 our legal opinion, pursuant to a decision of the Fifth Committee on 26 March 2001, as to whether the expression "taking note of" a report may mean that the General Assembly had agreed to the content of the report.

The meaning of the phrase "taking note of" is determined by the ordinary meaning of the expression in the context that the expression is used, in the light of the circumstances in which it was drafted and ultimately of course, the intention of the body adopting the resolution.

In this connection, reference is made to a report of the Secretary-General before the Fifth Committee in 1987 in which he indicated that, within existing resources, he would take certain actions with regard to the construction of conference facilities. The Fifth Committee requested advice as to whether "taking note of" the report would indicate approval. This Office, in an opinion read to the Fifth Committee and to the General Assembly, opined that although "taking note of" the proposed course of action did not express either approval or disapproval, the Secretary-General is instructed to proceed with the necessary work within the funds available (see A/42/PV.99). We note that, last year during the fifty-fourth session, Member States cited the latter opinion in the Fifth Committee in support of the proposition that "taking note" does not express either approval or disapproval. Such Member States, however, failed to refer to the conclusion stated in the opinion that the Secretary-General was authorized to proceed with the proposed course of action.

Thus, where a report by the Secretary-General or subsidiary organ proposes or recommends a specific course of action, *within existing resources*, which requires a decision by the General Assembly, a decision or resolution taking note of such report in the absence of further comment by the organ concerned constitutes authorization of the course of action contained therein. Of course, where a report by the Secretary-General or subsidiary organ proposes a specific course of action *that raises financial implications*, the procedures in rule 153 of the rules of procedure of the General Assembly would have to be followed and the General Assembly would have to specifically authorize the course of action and authorize specifically the additional resources after following the required procedures.

Where a report by the Secretary-General or subsidiary organ does not propose or recommend any course of action which requires a decision by the General Assembly, taking note of such report merely takes cognizance that it has been presented and does not express either approval or disapproval. Indeed, in paragraph 28 of annex VI to the Rules of Procedure of the General Assembly, the General Committee in its report on the rationalization of the work of the Assembly stated that "The General Assembly, including its Main Committees, should merely take note of those reports of the Secretary-General or subsidiary organs which do not require a decision by the Assembly and should neither debate nor adopt resolutions on them, unless specifically required to do so by the Secretary-General or the organ concerned."

Member States should, in any event, clearly express their intent when adopting a particular decision or resolution. The latter recommendation is particularly relevant if Member States do not agree with the Office of legal Affairs' opinion on the definition of the expression "taking note of" to govern the interpretation and implementation of their decisions and resolutions.

(*Signed*) Hans **Corell**
Under-Secretary-General for Legal Affairs
The Legal Counsel